

#### AMENDMENTS TO THE DRAWINGS:

Applicants submit herewith two (2) sheets of new drawings. The amendments to the drawings are as follows:

Replacement sheets for FIGS. 6 and 7 are attached as an appendix to this paper. Circular openings 30 are removed from flanges 122, 124, 126, 128. No new matter has been added.

## **REMARKS**

Applicants have studied the Office Action of January 26, 2010, and take this opportunity to present arguments in support of patentability. Claim 1 has been amended. Claim 14 has been cancelled. It is believed that upon objective review of the claims, and particularly analyzing this information at the time the invention was made, that it will be clear that the claims define over any fair teaching attributable to the prior art.

Applicants believe that this application is now in condition for allowance and early notice thereof is respectfully requested.

### **Drawing Objections**

The drawings filed on January 4, 2010 were not entered, because Figures 6-7, as amended, were deemed to constitute new matter. The Examiner stated that although paragraph 25 does state that, "Sheet 120 has flanges 122, 124, 126, and 128 that ...each include a plurality of openings 130", the particular configuration openings illustrated in Figures 6-7 were not necessarily implied by the text of paragraph 25. Figures 6 and 7 have been amended to remove openings 130 from flanges 122, 124, 126 and 128.

### **35 USC § 103 Rejections**

Claims 1, 5, 6, 9 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Winquist (U.S. Patent No. 1,164,439) in view of Vargo (U.S. Patent No. 4,553,725), Young (U.S. Patent No. 3,677,202), Evans (U.S. Patent No. 3,168,365) and Znamirovski (U.S. Patent No. 4,288,132).

Winqvist was deemed to teach the structure substantially as claimed, including a second side wall (2 or 3) positioned opposite a first side wall (2 or 3); a third wall (11) interconnecting the first and second side walls; a base wall (45) interconnecting the first, second and third walls; first and second support members (8) punched out of and extending from the first or second side walls such that a first or second opening is formed through the first or second side wall adjacent the first or second support member, the second support member is positioned at substantially the same height from the base wall as the first support member on the first wall, wherein the first and

second support members (8) each include a straight first leg extending perpendicular to the first side wall and a straight second leg extending perpendicular from the first leg spaced from and substantially parallel to the first or second side wall, the second leg includes first and second linear portions; a removable shelf (52) including a planar surface and a first, second, third and fourth flanges each depending from an end of the planar surface.

The Examiner acknowledged that Winquist fails to teach: a rounded portion extending between said first and second linear portions and a hemispherical dimple with rounded edges punched in a straight portion of the second leg, wherein the dimple extends toward the first opening; a third support member upon the third wall; a door hingedly connected to one of the first and second side walls and the base wall; wherein each of the flanges of the shelf comprises a pair of circular openings for receiving completely therethrough one of the dimples of one of the first, second and third support members.

Vargo was deemed to teach the inclusion of a hemispherical dimple (94) with rounded edges punched in a straight portion of the second leg, wherein the dimple extends toward a first opening; as well as the inclusion, in opposed shelf flanges (84), of a pair of circular openings (88) for receiving completely therethrough one of the dimples. Young was deemed to teach rounding a portion extending between the first and second linear portions. Evans was deemed to teach the inclusion of a third support member (on 18) upon a rear wall, wherein third support member is identical to first and second support members (on 46). Znamirovski was deemed to teach the inclusion of a door (16-17) hingedly connected to one of the first and second side walls (13-14).

Claim 1 has been amended to recite that the first side wall has flanges extending therefrom, and at least one of the flanges comprises at least one circular opening (see FIG. 6, item 100) and an opening formed by a first support member is spaced from the circular opening. Claim 1 has also been amended to recite that circular openings are formed completely through at least one of the flanges of the shelf and a dimple extends completely through one of the openings. Claim 1 has also been amended to recite that a support wall is centrally positioned between the base wall and an underside of the removable shelf and does not have support members for supporting the shelf. Winquist simply does not teach or suggest a circular opening formed completely through a flange

or a dimple completely received through the opening. Rather, Winquist teaches a notch 58 for receiving lugs 7, 8. There is simply no reason to modify the structure of Winquist to add a circular opening and a dimple. Secondly, claim 1 now recites a support wall centrally positioned between the base wall and an underside of the shelf. None of the art of record teaches a support wall centrally positioned between the base and an underside of the shelf and does not have support members for supporting the shelf.

Rather, Evans teaches a divider wall 45 which has hooks 43 and strips 46 for supporting shelves. The support wall of the present specification is supported by the shelf and does not include support members as in Evans. Thirdly, claim 1 has been amended to recite that the first side wall has flanges extending therefrom and at least one circular opening formed therein which is spaced from an opening formed by a support member. This is shown in FIG. 6, item 100 of the present specification. None of the art of record teaches a side wall having both a support member and a flange with a circular opening formed therein which is spaced from an opening formed by the support member. Accordingly, amended claim 1 and claims 5, 6 and 9 dependent thereon are in condition for allowance. Claim 14 has been cancelled.

### CONCLUSION

Applicants respectfully submit that the present Amendment removes issue for appeal, or in some other way, requires only a cursory review by the Examiner. The claims as amended do not raise any issues with regard to new matter, do not present new issues requiring further search or consideration and/or place the application into better for appeal. Accordingly, the amendment should be entered and the application forwarded for issuance.

For the reasons detailed above, it is respectfully submitted that all claims remaining in the application are now in condition for allowance.

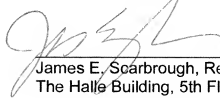
No additional fee is believed to be required for this Amendment. If, however, a fee is due, the Commissioner is authorized to charge our Deposit Account No. 06-0308.

In the event the Examiner believes a telephone call would expedite prosecution, he is invited to call the undersigned.

Respectfully submitted,

FAY SHARPE LLP

Date: 4/26/10



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#### **Certificate of Electronic Transmission**

I hereby certify that this Amendment After Final and accompanying documents are being filed on the date indicated below by electronic transmission with the United States Patent and Trademark Office via the electronic filing system (EFS-Web).

April 26, 2010  
Date

Kara L. Krist  
By: Kara L. Krist

## **APPENDIX**